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PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND
ONE HUNDRED AND THIRTY-NINTH MEETING

Held at Headquarters, New York,
on Monday, 23 November 1992, at 10.30 a.m.

President:	Mr. ERDOS	(Hungary)
Members:	Austria	Mr. HOHENFELLNER
	Belgium	Mr. NOTERDAEME
	Cape Verde	Mr. BARBOSA
	China	Mr. LI Daoyu
	Ecuador	Mr. AYALA LASSO
	France	Mr. LADSOUS
	India	Mr. GHAREKHAN
	Japan	Mr. HATANO
	Morocco	Mr. BENJELLOUN-TOUIMI
	Russian Federation	Mr. VORONTSOV
	United Kingdom of Great Britain and Northern Ireland	Sir David HANNAY
	United States of America	Mr. PERKINS
	Venezuela	Mr. ARRIA
	Zimbabwe	Mr. MUMBENGEGWI

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The meeting was called to order at 11.25 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

(a) THE SITUATION BETWEEN IRAQ AND KUWAIT

(b) LETTER DATED 2 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF TURKEY TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/22435)

LETTER DATED 4 APRIL 1991 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF FRANCE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/22442)

LETTER DATED 5 MARCH 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BELGIUM TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/23685 and Add.1)

LETTER DATED 3 AUGUST 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BELGIUM TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24386)

LETTER DATED 19 NOVEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF BELGIUM TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/24828)

The PRESIDENT (interpretation from French): Pursuant to the agreement reached by the Council in earlier consultations, I invite the delegations of Iraq and Kuwait to participate in the debate on the question on the Council's agenda, in accordance with Article 31 of the United Nations Charter and rule 37 of the Council's provisional rules of procedure.

At the invitation of the President, Mr. Aziz (Iraq) took a place at the Council table; Mr. Al-Sabah (Kuwait) took the place reserved for him at the side of the Council Chamber.

The PRESIDENT (interpretation from French): In accordance with the agreement reached by the Council in earlier consultations, I extend an invitation to Mr. Hans Blix, Director General of the International Atomic Energy Agency: Mr. Rolf Ekeus, Executive Chairman of the Special Commission; and Mr. Jan Eliasson, Under-Secretary-General for Humanitarian Affairs and the

(The President)

Emergency Relief Coordinator, in accordance with rule 39 of the Council's provisional rules of procedure.

In a letter dated 19 November, 1992, addressed to the President of the Security Council (S/24828), the Permanent Representative of Belgium to the United Nations requested the Council to extend an invitation, in accordance with rule 39 of the provisional rules of procedure, to Mr. van der Stoel. If I hear no objection, may I take it that the Council decides, in accordance with rule 39 of the provisional rules of procedure, to extend an invitation to Mr. van der Stoel?

Mr. LI DAOYU (China) (interpretation from Chinese): The Chinese delegation expressed its position on 11 August on the question of inviting Mr. van der Stoel to participate in a Security Council meeting. The Chinese delegation's position on this question remains unchanged. As everyone knows, the competence of the Security Council is the maintenance of international peace and security. Human rights questions fall within the purview of the Commission on Human Rights, and not within the scope of the Security Council's mandate. Mr. van der Stoel is a Special Rapporteur appointed by the Commission on Human Rights. In our view, it is inappropriate to invite him to participate in a Council meeting. The Chinese delegation therefore places its reservations on record.

Based on the same position, the Chinese delegation also expresses its reservations over the references to the interim report of the Special Rapporteur on human rights and to the members' public meeting with Mr. van der Stoel contained in the text of the statement to be read by the President to the Council in a moment.

Mr. MUMBENGEGWI (Zimbabwe): My delegation once again wishes to put on record its serious reservations about the increasing encroachment of the Security Council on the functions of the other organs of the United Nations. A Special Rapporteur appointed by the Commission on Human Rights should properly report to that organ only. The question of human rights falls under the purview of the Commission on Human Rights and the General Assembly. We therefore consider it inappropriate that the Security Council should allow Mr. van der Stoel to participate in our present deliberations. My delegation therefore enters its reservation.

The PRESIDENT (interpretation from French): The observations that have been made will appear in the record of the Security Council.

If I hear no objection, may I take it that the Council decides to invite Mr. van der Stoel under rule 39 of the provisional rules of procedure?

There being no objection, it is so decided.

The Security Council will now resume consideration of the item on the agenda.

The Security Council is meeting in accordance with the agreement reached in the course of earlier consultations.

Members of the Council have before them the following documents:

S/24661, "The status of the implementation of the plan for the ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991)"; and S/24722, note by the Secretary-General transmitting to the Security Council the second report of the Director General of the International Atomic Energy Agency on the implementation of the Agency's plan for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991).

On behalf of the Council, I welcome the Deputy Prime Minister for Foreign Affairs of Iraq, His Excellency Mr. Tariq Aziz. I wish to state that we all hope that these meetings will be very productive and constructive.

Members will recall that in a letter dated 10 November 1992, document S/24822, annex, the Minister for Foreign Affairs of Iraq informed the Council of the wish of the Iraqi Government to send an official high-level delegation to United Nations Headquarters in order to pursue a dialogue with the Council on Iraq's implementation of its obligations under certain resolutions of the Council.

(The President)

Following consultations between members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"I. General obligation

"1. The resolutions concerning the situation between Iraq and Kuwait impose a number of general and specific obligations upon Iraq.

"2. As regards the general obligations, Iraq is required, under paragraph 33 of Security Council resolution 687 (1991), to give official notification to the Secretary-General and to the Security Council of its acceptance of the provisions of that entire resolution.

"3. Iraq signified its unconditional acceptance in letters dated 6 and 10 April 1991 (S/22456 and S/22480, respectively) and 23 January 1992 (S/23472).

"II. Specific obligations

"4. In addition to the general obligation to accept the provisions of resolution 687 (1991) in their entirety, several Security Council resolutions impose specific obligations upon Iraq.

"(a) Respect for the inviolability of the international boundary

"5. By paragraph 2 of resolution 687 (1991) the Security Council demands that Iraq respect the inviolability of the international boundary and the allocations of islands previously agreed upon between Iraq and Kuwait. Pursuant to paragraph 3 of that resolution, the Secretary-General established a Boundary Demarcation Commission to demarcate the boundary between Iraq and Kuwait. Paragraph 5 of the same resolution requires Iraq and Kuwait to respect a demilitarized zone (DMZ) established by the Security Council.

(The President)

"6. Iraq did not participate in the work of the Boundary Demarcation Commission at its July 1992 and October 1992 sessions. Iraq has refused up to now to withdraw a number of police posts that are not in line with UNIKOM's principle that both sides should stay 1,000 metres from the boundary line shown on UNIKOM's map. The Council in paragraph 2 of resolution 773 (1992) welcomed the Commission's land demarcation decisions and, by paragraph 5, the intention of the Secretary-General to carry out at the earliest practicable time the realignment of the DMZ to correspond to the international boundary demarcated, by the Commission, with the consequent removal of the Iraqi police posts.

"7. In response to the Iraqi Foreign Minister's 21 May 1992 letter to the Secretary-General (S/24044), the Security Council in a 17 June 1992 statement (S/24113) stressed to Iraq the inviolability of the international boundary between Iraq and Kuwait being demarcated by the Commission and guaranteed by the Council pursuant to resolution 687 (1991). The Presidential statement also noted with dismay that the Iraqi Foreign Minister's letter recalled past Iraqi claims to Kuwait without also recalling Iraq's subsequent repudiation of these claims. The members of the Council firmly rejected any suggestion that tended to dispute the existence of Kuwait. Resolution 773 (1992) underlined the Council's guarantee of the above-mentioned international boundary and its decision to take as appropriate all necessary measures to that end in accordance with the Charter, as provided for in paragraph 4 of resolution 687 (1991).

(The President)

"(b) Weapons-related obligations

"8. Section C of resolution 687 (1991) imposes certain specific obligations upon Iraq with respect to its chemical and biological weapons programmes, its ballistic missile programmes with a range greater than 150 kilometres and its nuclear programmes. These obligations are elaborated upon in resolutions 707 (1991) and 715 (1991). The obligations are defined in paragraphs 8, 9, 10, 11, 12 and 13 of resolution 687 (1991) and they are elaborated upon in paragraphs 3 and 5 of resolution 707 (1991) and paragraph 5 of resolution 715 (1991).

"9. By resolution 699 (1991), the Security Council decided that the Government of Iraq shall be liable for the full costs of carrying out the tasks authorized by section C of resolution 687 (1991). No funds have so far been received from Iraq to meet this liability.

"10. The Council has noted that since the adoption of resolution 687 (1991) progress has been made in the implementation of section C of that resolution but that much remains to be done. In particular, Iraq needs to provide the full, final and complete disclosure of all aspects of its programmes for weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres. There is a particular and vital requirement for complete information, including credible documentary evidence on Iraq's past production, suppliers and consumption of all prohibited items, and its past capacity to produce such items.

(The President)

"11. Iraq must also acknowledge clearly its obligations under Security Council resolution 715 (1991) and the two plans for ongoing monitoring and verification approved thereunder. It must agree to implement these obligations unconditionally. In this connection the Council notes the letter of 28 October 1992 from Iraq's Minister of Foreign Affairs to the Secretary-General seeking a review of the terms and provisions not only of resolution 715 (1991) but also Security Council resolution 707 (1991). It is accordingly clear that Iraq seems unprepared to comply with the obligations already prescribed.

"12. The Special Commission has informed the Council about the outstanding matters that would at the present time appear to be the most important. The Council has noted document S/24661 of 19 October 1992 entitled 'The Status of the Implementation of the Plan for the Ongoing Monitoring and Verification of Iraq's Compliance with Relevant Parts of Section C of Security Council resolution 687 (1991).'

"13. The Council has also noted document S/24722 of 28 October 1992 containing the second report of the Director General of the International Atomic Energy Agency (IAEA) on the implementation of the Agency's plan for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991).

"14. In a statement issued on behalf of the members of the Council (S/23803) on the Special Commission's right to conduct aerial surveillance flights in Iraq, the President stated on 10 April 1992 that:

> 'The members of the Council wish to point out that the surveillance flights are carried out under the authority of Security Council resolutions 687 (1991), 707 (1991) and 715 (1991).

(The President)

Reaffirming the right of the Special Commission to conduct such aerial surveillance flights, the members of the Council call upon the Government of Iraq to take all the necessary steps to ensure that the Iraqi military forces will not interfere with or threaten the security of the flights concerned and to comply with its responsibilities to secure the safety of the Special Commission's aircraft and personnel flying over Iraq.'

The President also said:

'that the members of the Council warn the Government of Iraq of the serious consequences which would ensue from any failure to comply with these obligations'.

"15. The Special Commission, on 15 October 1992, informed the Council of actions endangering the safety and security of the Commission's inspection teams in Iraq, including a systematic campaign of harassment, acts of violence, vandalism to property and verbal denunciations and threats at all levels. The President of the Council issued on the same day a statement to the press stressing the Council's particular concern for the safety of the Commission's inspectors.

"16. In a further statement made on 6 July 1992 on behalf of the Council (S/24240) concerning the Government of Iraq's refusal to permit access to certain premises by a team of inspectors, the President said:

'Iraq's present refusal to permit access to the Inspection Team currently in Iraq to the premises designated by the Special Commission constitutes a material and unacceptable breach by Iraq of a provision of resolution 687 (1991) which established the cease-fire and provided the conditions essential to the restoration

(The President)

of peace and security in the region. The members of the Council demand that the Government of Iraq immediately agree to the admission to the premises concerned of the inspectors of the Special Commission as required by the Chairman of the Special Commission, so that the Special Commission may establish whether or not any documents, records, materials, or equipment relevant to the responsibilities of the Commission are located therein.'

Security Council resolution 707 (1991) demands that Iraq allow the Special Commission, the IAEA and their inspection teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect. Therefore, the Council cannot accept Iraq's insistence that there must be a limit on access by the inspection teams.

"(c) Repatriation of and access to Kuwaiti and third-country nationals in Iraq

"17. As regards Kuwaiti and third-country nationals in Iraq, Security Council resolutions 664 (1990), 666 (1990), 667 (1990), 674 (1990), 686 (1991) and 687 (1991) impose an obligation on Iraq to release, facilitate repatriation of, and arrange for immediate access to them, as well as the return of the remains of any deceased personnel of the forces of Kuwait and of the member States cooperating with Kuwait pursuant to resolution 678 (1990). Furthermore, paragraph 30 of resolution 687 (1991) requires Iraq to extend all necessary cooperation to the International Committee of the Red Cross (ICRC) in facilitating the search for Kuwaiti and third-country nationals still unaccounted for.

(The President)

"18. In spite of ICRC's best ongoing efforts, ICRC has not received information as to the whereabouts of the persons reported missing in Iraq. Nor has it received detailed and documented information on the search conducted by the Iraqi authorities. Following the 11-12 March 1992 Council meeting with the Iraqi Deputy Prime Minister, Iraq published in its press lists of those believed missing/detained inside Iraq. ICRC has still not received permission to visit Iraqi prisons and detention centres in accordance with standard ICRC criteria. Very few missing persons/detainees have been released since March 1992, while hundreds are believed still to be inside Iraq.

(The President)

"(d) Iraq's liability under international law

"19. Another obligation concerns Iraq's liability under international law. In resolution 674 (1990), the Security Council 'reminds Iraq that under international law it is liable for any loss, damage or injury arising in regard to Kuwait and third States and their nationals and corporations, as a result of the invasion and illegal occupation of Kuwait by Iraq'. Its liability under international law is reaffirmed in paragraph 2 (b) of resolution 686 (1991) and paragraph 16 of resolution 687 (1991). Resolution 687 (1991) further specifies that it 'is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait'.

"20. By paragraph 18 of the same resolution, the Security Council created a fund to pay compensation for claims that fall within paragraph 16, to be financed by a percentage of the value of the exports of petroleum and petroleum products from Iraq. In view of the existing economic sanctions against Iraq under resolution 661 (1991), Iraq was permitted by the Security Council under resolutions 706 (1991) and 712 (1991) to sell a limited quantity of oil, as an exception, a portion of the proceeds from which would be used to provide financial resources for the fund. To date, it has not availed itself of this possibility. The Council noted that this authorization lapsed on 18 March 1992 but indicated its readiness to authorize the regime for the sale of Iraqi

(The President)

petroleum and petroleum products for a like period of time as that specified in the resolutions and also its readiness to consider possible further extensions (S/23732, 19 March 1992). Since then Iraq has not shown any willingness to resume discussions about implementing these resolutions. The members of the Council are aware of a previous request by Iraq for a five-year moratorium on meeting its financial obligations, including payments into the Compensation Fund.

"21. In view of Iraq's refusal to cooperate in the implementation of resolutions 706 (1991) and 712 (1991) after several rounds of technical discussions with the Secretariat, the Security Council adopted resolution 778 (1992) which mandates that certain frozen Iraqi assets be transferred to a United Nations escrow account. A portion of these funds will be transferred to the Compensation Fund.

"(e) Repayment and servicing of Iraq's foreign debt

"22. With regard to another obligation, the Security Council, in paragraph 17 of resolution 687 (1991), demands that Iraq scrupulously adhere to all of its obligations concerning servicing and repayment of its foreign debt.

"(f) Non-entitlement to claims deriving from the effects of the measures taken by the Security Council in resolution 661 (1990) and related resolutions (para. 29 of resolution 687 (1991)) of the Security Council.

"23. According to information received with regard to this item, Iraq has attempted to enforce some claims under which it would have benefited

(The President)

from a contract frustrated by the coming into effect of the terms of resolution 661 (1990), in particular, through the confiscation of the property of foreign companies and organizations left in Iraq.

"(g) Return of property

"24. I now turn to the question of return of property. The Security Council, in paragraph 2 (d) of resolution 686 (1991), demands that Iraq immediately begin to return all Kuwaiti property seized by it, to be completed in the shortest possible period. The members of the Council have previously noted with satisfaction that Iraqi officials involved with the return of property have extended cooperation to the United Nations to facilitate the return. However, much property, including military equipment and private property, remains to be returned.

"(h) Monthly statements of gold and foreign currency reserves

"25. Another obligation is set out by paragraph 7 of resolution 706 (1991), under which the Government of Iraq is required to provide to the Secretary-General and appropriate international organizations monthly statements of its gold and foreign currency reserves. To date, no such statements have been provided to the Secretary-General or to the IMF.

"(i) Undertaking not to commit or support acts of international terrorism

"26. By paragraph 32 of resolution 687 (1991), Iraq is required not to commit or support acts of international terrorism or allow any organization directed towards commission of such acts to operate within its territory and to condemn unequivocally and renounce all acts, methods and practices of terrorism.

(The President)

"27. The Council notes Iraq's statements contained in letters dated 11 June 1991 (S/22687 and S/22689) and 23 January 1992 (S/23472) that it is a party to international conventions against terrorism and that it has never pursued a policy favourable to international terrorism as defined by international law.

"(j) Security Council action with respect to the Iraqi civilian population

"28. Resolutions 706 (1991) and 712 (1991) provide a means for Iraq to meet its obligations to supply its civilian population with needed humanitarian assistance, particularly food and medicine. Resolution 778 (1992) mandates that certain frozen Iraqi assets be transferred to a United Nations escrow account and urges States to contribute funds from other sources to the escrow account. A portion of these funds will be used for humanitarian assistance.

"III. Security Council resolution 688 (1991)

"29. I should now like to refer to the demands by the Security Council with respect to the Iraqi civilian population. In paragraph 2 of resolution 688 (1991), the Security Council demands that Iraq, as a contribution to removing the threat to international peace and security in the region, end the repression of its civilian population. In paragraphs 3 and 7, the Security Council insists that it allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq, and demands its cooperation with the Secretary-General to these ends.

(The President)

"30. The Security Council remains deeply concerned at the grave human rights abuses that, despite the provisions of resolution 688 (1991), the Government of Iraq continues to perpetrate against its population, in particular in the northern region of Iraq, in southern Shi'a centres and in southern marshes (Commission on Human Rights resolution 1992/71 of 5 March 1992).

(The President)

The Security Council notes that this situation is confirmed by the reports of the Special Rapporteur of the Commission on Human Rights (E/CN.4/1992/31, also circulated as document S/23685 and Add.1, and part I of the interim report circulated as document S/24386). The members of the Council recall their public meeting with Mr. Max van der Stoel on 11 August 1992.

"31. The members of the Council take note of the renewal on 22 October 1992 of the Memorandum of Understanding providing the framework for urgent humanitarian assistance throughout the country between the United Nations and the Government of Iraq.

"IV. Concluding observation

"In view of the observations on the record of Iraq's performance, and without prejudice to further action by the Security Council on the question of the implementation of its relevant resolutions by Iraq, the Security Council has considered itself justified in concluding that Iraq has up to now only selectively and then partially complied with the obligations placed upon it by the Council. It is the Council's hope that this meeting will prove a valuable opportunity to impress once again upon Iraq the imperative need for full compliance and to obtain from Iraq undertakings which would constitute an advance in the consideration of this issue as required in the interest of world peace and security, as well as that of the Iraqi people."

That concludes the "Statement by the President of the Security Council". I shall now call upon members who wish to make statements.

Sir David HANNAY (United Kingdom): Mr. President, your clear and comprehensive introduction to this meeting sets out very well how much remains to be done before Iraq's compliance with Security Council resolutions, in particular Security Council 687 (1991), can be considered complete and satisfactory. Your statement deals effectively with such areas as the return of property, the handling of performance bonds, and the failure to submit figures of Iraq's gold and foreign currency reserves, areas where Iraqi performance remains lamentably short of what is required. I intend therefore to concentrate on four areas of major political significance.

The first of these is the Iraq-Kuwait boundary. This is a crucial issue because it is where the whole story of Iraq's defiance of international law and the United Nations began. In recent months there has been a pattern of Iraqi actions and behaviour which completely invalidates Iraq's formal acceptance of Kuwait's existence within boundaries to be demarcated under an objective United Nations process.

Iraq failed to attend the July and October sessions of the Boundary Demarcation Commission. More seriously, in October Iraq refused to allow Swedish and New Zealand survey teams and their subcontractors to carry out preparatory work for putting in boundary markers, and this matter was only resolved after intervention by the Commander of United Nations Iraq-Kuwait Observer Mission (UNIKOM). Iraq has failed to prevent armed Iraqi civilians provoking incidents in the demilitarized zone. In other incidents, foreign workers have been abducted in the demilitarized zone. In an incident on 7 November an American worker was abducted and beaten up but managed to escape.

(Sir David Hannay, United Kingdom)

Most serious of all is the reassertion by Iraq of its claim to Kuwait. The President has already referred to the Council statement of 17 June, which expressed our dismay at the way the Iraqi Foreign Minister's letter of 21 May had recalled past Iraqi claims to Kuwait. Even more disturbing is the repeated reassertion of the Iraqi claim to Kuwait by Iraqi officials and in the Government-controlled media in Iraq. Such statements have been made by the Speaker of the Iraqi Parliament, and Iraqi school textbooks and maps continue to depict Kuwait as part of Iraq. In the last few weeks broadcasts have been made by Iraqi radio describing Kuwait as a part of Iraq.

Now, this all strikes at the very heart of the cease-fire resolutions, and it calls into question Iraq's commitment to Security Council resolution 687 (1991). How can Iraq expect its protestations of compliance with Security Council resolution 687 (1991) to be believed so long as this pattern of behaviour continues?

The second area I would mention is that of weapons of mass destruction. Iraq has still not complied with its obligations under Security Council resolution 707 (1991) to provide a full, final and complete declaration of its weapons of mass destruction and ballistic missile programmes. Although some more information has now been made available to the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), gaps remain. In particular, Iraq has failed to provide details of its supplier and procurement networks. If Iraq has genuinely forsworn its ambitions to construct weapons of mass destruction in defiance of its international obligations, why is it still concealing parts of its programmes, and why will it not reveal it suppliers?

(Sir David Hannay, United Kingdom)

Just as significantly, Iraq has failed either to recognize or to accept its obligations under Security Council resolution 715 (1991), which provides for long-term monitoring and verification by inspection. Now the Iraqi Foreign Minister, in his letter of 28 October, calls for a review of Security Council resolutions 707 (1991) and 715 (1991), which sounds singularly like an attempt to escape from these obligations altogether. That will not be acceptable. How can this Council or Iraq's neighbours feel any security if the necessary provisions for maintaining Iraq's observance of the obligations it previously broke are not in full operation? The hard fact is that without long-term monitoring and verification we can have no certainty that Iraq will not start the whole process over again.

Since we last met, in March, Iraq has had a very mixed track record over inspections. In March it was indicated that Iraq was prepared to cooperate with UNSCOM and the IAEA in the fulfilment of their mandates. Some cooperation at the field level there has been. But it has been markedly different at the political level.

First there was Iraq's refusal to permit United Nations inspectors to enter the Ministry of Agriculture building in Baghdad on 4 July 1992. This was a clear breach of Security Council 707 (1991) and a further material breach of Security Council resolution 687 (1991) establishing a ceasefire. What was the purpose of this? If there was material related to weapons of mass destruction in that building, it must have been to enable it to be removed, but if there was not, then it must have been to confront and defy the United Nations. Either explanation is equally reprehensible.

(Sir David Hannay, United Kingdom)

Then there have been hostile and inaccurate statements by Iraqi leaders about United Nations inspection teams and serious harassment of inspectors - for example, President Saddam Hussein's reference to "stray dogs" in his 6 October speech, and Foreign Minister Al-Sahaf's comparison of inspections with "mediaeval inquisition" in his 28 October letter. Iraq remains fully responsible for ensuring the safety and security of inspectors who are working on behalf of the United Nations. They must be allowed to go about their work unhindered and in safety. And they must be allowed access to wherever their work takes them, without limits.

(Sir David Hannay, United Kingdom)

Thirdly, there is the question of detainees. The detention of Kuwaiti and third-country nationals in Iraq continues. Two British nationals have been sentenced to outrageously long prison sentences for inadvertently crossing into Iraq. Since the submission on 10 March of the Kuwaiti list of 850 prisoners of war and detainees, only 20 individuals have been returned to Kuwait. Sixty-one other individuals have returned to Kuwait under family reunification arrangements. Kuwait has submitted 70 individual case files to Iraq through the International Committee of the Red Cross (ICRC). Iraq has responded to only 13 of those, stating that there is no information on the individuals concerned. And Iraq has still not agreed to ICRC standard procedures for visits to places of detention in Iraq. This is a serious humanitarian issue where Iraqi behaviour is clearly at variance with its obligations under international law and Security Council resolutions.

Fourthly, there is the matter of Iraq's treatment of its own citizens. Throughout this crisis our quarrel has been with the Iraqi Government, not with the Iraqi people. For this reason, the Council adopted Security Council resolutions 706 (1991) and 712 (1991), which would have created an exemption from the sanctions regime to permit Iraq to export oil to pay for humanitarian imports. Iraq has persistently refused to operate this fair and equitable scheme, in blatant disregard of the needs of its own people. But the offer remains on the table. Perhaps one day it will be taken up.

Then for four months in the summer Iraq prevaricated over renewal of its Memorandum of Understanding with the United Nations, the basis for the United Nations humanitarian programmes in Iraq. It refused to grant visas to the humanitarian personnel and United Nations Guards, and forced the United Nations out of the south of the country completely. Only in October did Iraq

(Sir David Hannay, United Kingdom)

agree to renew the Memorandum of Understanding and enable the winterization programme in the North, and a limited United Nations programme elsewhere, to go ahead.

As the Secretary-General himself noted in his letter of 20 October to the President of the Council, the renewed Memorandum of Understanding did not meet all United Nations aspirations, particularly in the South. Concern remains about the security of humanitarian personnel in northern Iraq. It is, I am afraid, pretty clear that the Iraqi Government is responsible for a number of mine and grenade attacks against United Nations and non-governmental-organization personnel.

Throughout this period, the Iraqi Government has consistently ignored the demand in Security Council resolution 688 (1991) that it cease the repression of its own people. For over a year it has maintained an internal blocade against the North. It has carried out military operations against the civilian population in the South, particularly in the southern marshes, and the reports by Mr. van der Stoel on human rights abuses in Iraq are a horrifying tale of inhumanity.

It gives no pleasure to go through this litany of prevarication, concealment, defiance, repression, and non-compliance with the resolutions of this Council. But it has to be done - because it is only when the leaders of Iraq heed what is being said here and take decisive steps to remedy these shortcomings that we shall be able to get off on a new foot.

Mr. PERKINS (United States of America): As the previous speaker noted, your recitation, Mr. President, was complete indeed.

Iraq's invasion of Kuwait on 2 August 1990 launched this Council's unprecedented effort to restore international peace and security in the Gulf.

(Mr. Perkins, United States)

My Government notes that due to Iraqi intransigence the Council's efforts must continue undiminished. More than two years after Iraq's unprovoked aggression against Kuwait, and despite the concerted will of the world community, the Council still sees its requirements honoured only partially.

We have before us today a senior Iraqi delegation. Its members understand full well the events that have brought us to our meeting. On 11 and 12 March the Council received a similar delegation. In March we were not provided with authoritative, credible and responsible answers. Today we expect such answers. We must know when Iraq will comply fully and completely with all the relevant resolutions of the Council. The Council should hold this delegation today to the strictest standards of accountability. We should not hesitate to pose further questions to the Iraqi delegation after the presentation of its initial statement.

On 3 April 1991 the Council adopted resolution 687 (1991). This resolution was one of the most important actions ever taken by the Council, responding to the hope of mankind to make the United Nations an instrument of peace and security. Resolution 687 (1991) required Iraq to take precise steps on many issues. Iraq formally notified the Security Council by letter on 6 April 1991 (S/22456) of its acceptance of the resolution.

Subsequently, a series of resolutions spelled out Iraq's obligations in detail. Many of these resolutions were necessary because, from the first, Iraq has evaded its obligations.

In a letter to the Council on 28 October 1992 the Foreign Minister of Iraq challenged the implementation of resolution 687 (1991). The United States rejects that challenge. If the Gulf region is to enjoy peace and security, Iraq's weapons of mass destruction and ballistic missiles must be

(Mr. Perkins, United States)

permanently - and I underline the word "permanently" - eliminated. This goal requires Iraq's cooperation in two areas: first, the full and complete disclosure of its weapons programmes and, secondly, long-term monitoring and verification.

As we said to the Council in March, an unfortunate pattern has developed. Iraq makes declarations of minimal content, declarations which are clearly meant to misinform, misdirect and conceal. Iraq divulges information about weapons programmes only after confronted with incontrovertible proof uncovered by the Special Commission and the International Atomic Energy Agency (IAEA) inspections. This record is not compliance.

In July we witnessed an extraordinary example of Iraq's intransigence concerning its weapons of mass destruction. The Iraqi regime prevented a United Nations Special Commission team from carrying out an inspection of the Agriculture Ministry in Baghdad. Resolutions 687 (1991) and 707 (1991) had given the Special Commission the unqualified right to immediate, unconditional and unrestricted access to any site the Special Commission suspected of being related to Iraq's weapons-of-mass-destruction programme. The President of the Council declared on 6 July that Iraq's denial of access was a material and unacceptable breach of resolution 687 (1991), which established the cease-fire and set other conditions essential to the restoration of peace and security in the region.

The Special Commission and the International Atomic Energy Agency have provided the Council with much technical information about Iraq's weapons-of-mass-destruction programmes. At the Council's March meeting, we outlined clearly the extent of Iraq's weapons programmes. That meeting also revealed that Iraq sought to keep hidden many of its

(Mr. Perkins, United States)

weapons-of-mass-destruction facilities. Despite this, we have seen little improvement in Iraqi cooperation since March.

Iraq's record is shameful and confirms the importance of the provisions of resolution 687 (1991) and resolution 715 (1991) which describe the ongoing monitoring and verification of Baghdad's compliance with resolution 687 (1991). We regret that Baghdad's performance to date indicates that the outlook for Iraqi cooperation is not promising.

Last month the Council received a report from the Secretary-General (S/24661) on the Special Commission's plan for monitoring Iraqi compliance with section C of resolution 687 (1991). That report cited major shortcomings in an Iraqi response of 27 June 1992 on future compliance verification. The Secretary-General's report noted that the Special Commission's plan for ongoing monitoring and verification, a plan drawn up well over a year ago, cannot go forward. The report indicates that the impasse on implementation of the plan is caused by Baghdad's refusal to take the essential steps, including the full, final and complete disclosure - as required by resolution 687 (1991) - of all aspects of Iraqi programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 kilometres. Similarly, the Director General of the IAEA reported last month (S/24722) that long-term monitoring will be effective only when Iraq provides information required by Council resolutions.

(Mr. Perkins, United States)

Although some progress has been made since March, Iraq has left many gaps in its declarations to the Special Commission and to the IAEA. Despite constant requests by United Nations inspectors, Iraq continues to refuse to supply the Special Commission and the IAEA with lists of foreign suppliers of equipment for its programmes with respect to weapons of mass destruction. These lists are essential; without them the Special Commission and the IAEA will not have the proper baseline for long-term monitoring and compliance.

Even more worrisome is the Iraqi call stated in the Foreign Minister's letter of 28 October for the Security Council to conduct a radical review of resolutions 707 (1991) and 715 (1991), which demand that Iraq allow full access to all sites and accept a long-term monitoring regime. The letter also questioned the Special Commission's operation of surveillance helicopters and fixed-wing aircraft. These Iraqi views raise further doubts about Iraq's readiness to comply fully with all relevant resolutions of the Security Council.

We are deeply concerned about the prospects for ongoing monitoring and verification in Iraq. That process is essential to the future of international security in the Gulf region. Once again, we object to, and will not countenance, an Iraqi belief that Baghdad can decide for itself what this Council intended by its resolutions.

Weapons of mass destruction are but one aspect of Iraq's failure to comply with resolution 687 (1991).

(Mr. Perkins, United States)

Even though boundary issues are not scheduled to be settled until next year, the Iraqi record thus far is disappointing. The Iraq-Kuwait Boundary Demarcation Commission concluded its seventh session on 16 October. This was the second successive session in which Iraq declined to participate. The Iraqi Foreign Minister's letter of 21 May 1992 was most disturbing. That perplexing message, as the President of the Council noted, recalled past Iraqi claims to Kuwait without noting Baghdad's subsequent repudiation of those claims. I need not remind the Council that the boundary issue and indeed Iraq's challenge to Kuwaiti sovereignty reach to the very cause of the Gulf war.

In response, the Council, on 26 August, adopted resolution 773 (1992), which emphasized the importance of the Iraq-Kuwait Boundary Demarcation Commission and underscored the inviolability of the boundary. When the demarcation of the land boundary is completed, we expect the Iraqi regime to accept in full the Commission's work.

Iraq has not fulfilled other obligations of resolution 687 (1991). These include repatriation of detained Kuwaiti and third-country nationals, as well as the return of Kuwaiti property. Baghdad continues to refuse to cooperate on these issues. The regime also continues to deny unrestricted access by the International Committee of the Red Cross to detention facilities in Iraq. Baghdad refuses to investigate lists of missing detainees submitted by Kuwait and Saudi Arabia. Nor has Iraq yet reported effectively on what tracing steps it is taking on individual inquiry files.

(Mr. Perkins, United States)

The Iraqi regime's cruel treatment of its own civilian population led the Council to adopt resolution 688 (1991) on 5 April 1991. The Council acted to confront Bagdhad's mistreatment of its innocent civilians, especially in northern Iraq. Since then, the international response, including Operation Provide Comfort and extensive humanitarian aid, has eased some of the suffering in the North. The Bagdhad regime's response has been an economic blockade of the North.

The blockade has deprived the region of goods, such as food and fuel, essential to the very survival of its people. My Government has grave concerns about the risk of famine in northern Iraq this winter. The United Nations and the international community have taken it upon themselves to help people in the North, people who are entitled to far better treatment from the regime in Bagdhad. Unfortunately, we have every reason to doubt that the Iraqi regime will respect fully the terms of the Memorandum of Understanding signed on 22 October 1992. Although the Memorandum of Understanding is now one month old, only a trickle of relief has reached those most in need of help. Over 100 security incidents affecting United Nations personnel in Iraq during a six-month period earlier this year give little cause for confidence that Bagdhad will act responsibly.

Iraq's human-rights abuses are not limited to the North. Early in August, the Council heard a disturbing presentation by the Special Rapporteur of the Office of the United Nations High Commissioner for Refugees (UNHCR), Mr. Max van der Stoel. In August he spoke of deplorable health conditions, Government-sponsored food blockades, air attacks and artillery bombardments in the southern marshes. He also reported incidents of forced relocations and

(Mr. Perkins, United States)

torture. Mr. van der Stoel concluded with the words,

"if a full implementation of resolution 688 (1991) cannot be ensured, many thousands of innocent people are in danger of losing their lives. I express the hope that the members of the Council will keep this in mind in their consideration of this matter." (S/PV.3105, p. 23)

Within weeks of Mr. van der Stoel's report to the Council, the United States and its coalition partners acted against Bagdhad's repression of civilian communities in southern Iraq. President Bush announced Operation Southern Watch on 26 August in response to graphic proof of brutality, including the strafing of villages. Operation Southern Watch monitors the implementation of resolution 688 (1991) and deters the most serious forms of repression by the Iraqi military authorities. Monitoring is facilitated by a no-fly zone. As President Bush said in August, we are prepared to consider additional steps if the Iraqi regime continues to violate resolution 688 (1991) or other Security Council resolutions.

Operation Southern Watch has been very successful. The Iraqi regime has stopped using aircraft to attack its civilian population, particularly in and around the southern marsh areas. There have been no major Iraqi military operations south of the 32nd parallel since the monitoring zone was announced, nor has there been any major increase in Iraqi forces in the South. Nevertheless, Bagdhad's repression by other means continues in the South. We and the international community deplore this.

The Iraqi delegation may tell us today of human suffering brought about by economic sanctions established under resolution 661 (1990), but the Council will recall that medical supplies have never been forbidden from import into

(Mr. Perkins, United States)

Iraq. The embargo on food came to an end in April 1991 and large quantities were subsequently imported, but the Iraqi regime has callously manipulated food distribution as an instrument of repression. Resolution 687 (1991) authorized the import of goods to meet essential civilian needs, as approved by the sanctions Committee. The sanctions Committee has worked long and diligently to note food shipments and to distinguish essential humanitarian needs from Iraqi attempts to violate sanctions.

Since the imposition of the sanctions regime, the Committee has approved for export to Iraq over 13 million tons of food and significant quantities of medicine, including over 20 tons of antibiotics. The sanctions Committee recognizes that our dispute is not with the people of Iraq, and as a result it has approved a wide range of goods to meet essential civilian needs. Over 127,000 tons of seed and 500 agricultural tractors have also been approved to help the Iraqi people produce their own food. If food is not reaching the needy in Iraq, it is because the Iraqi regime has diverted food imports to the military and security forces which allow Saddam Hussein to maintain his brutal dictatorship.

Resolutions 706 (1991) and 712 (1991) offered Iraq the opportunity to sell oil to finance purchases of food, medicine and humanitarian supplies. As long ago as last February, the Council deplored Iraq's decision to discontinue discussions on how to implement those resolutions. At that time, the Council noted that Iraq had chosen not to meet the essential needs of its civilian population and therefore bore full responsibility for humanitarian suffering in the country.

(Mr. Perkins, United States)

Food shortages and other deprivations are not static factors; they are dynamic problems whose effects become serious over time. Thus the repression and human deprivation in Iraq today may be even more critical than before. The Council has sought every peaceful means to redress the suffering imposed by Baghdad on the Iraqi people. For this reason, and to redress other suffering, my Government included in resolution 778 (1992) measures that permit the use of overseas Iraqi oil assets to fund the United Nations humanitarian programmes, the Special Commission and the compensation fund that benefits victims of the Iraqi invasion.

As you said, Mr. President, in your opening statement, it is imperative that Iraq fully comply with all relevant Security Council resolutions. The Council expects no less. The Council heard many Iraqi promises and allegations on 11 and 12 March. The Council has received many contentious letters from the Iraqi Government since then. The Council may hear more such rhetoric today.

Without full and unconditional Iraqi compliance with all relevant resolutions, my Government sees no reason to lift sanctions. The Iraqi delegation now has the opportunity to provide authoritative answers and to accept unconditionally all the relevant resolutions passed by the Council. Even more important, Iraq now has the opportunity to show by its actions that it will meet its obligations.

Mr. MUMBENGEGWI (Zimbabwe): Allow me to begin by welcoming the Deputy Prime Minister of Iraq, Mr. Tariq Aziz. My delegation looks forward to his address regarding Iraq's compliance with Security Council resolutions. My delegation also looks forward to the statements of Ambassador Ekeus, Mr. Blix, and Ambassador Eliasson.

(Mr. Mumbengegwi, Zimbabwe)

My delegation wishes to address four specific areas with respect to the state of Iraq's compliance with Security Council resolutions. Of great concern to us is the question of the repatriation of, and access to, Kuwaiti and third-country nationals still unaccounted for in Iraq. These concerns were expressed when Deputy Prime Minister Aziz addressed the Council in March this year. My delegation was encouraged when the lists of those believed to be missing or detained in Iraq were subsequently published in the Iraqi press. It is disappointed, however, that the International Committee of the Red Cross has still not been accorded all the cooperation necessary for a comprehensive search, including permission to visit Iraqi prisons and any detention centres in accordance with the standard criteria and practices of the International Committee of the Red Cross.

My delegation is aware of the various statements issued by Iraq indicating that there were no Kuwaiti or third-country nationals in Iraqi prisons. If this is indeed the case, why is Iraq unwilling to grant access to its prisons to the International Committee of the Red Cross? Any action short of granting full and unimpeded access to the International Committee of the Red Cross will suggest that Iraq may well have something to hide. My delegation therefore believes that it is in the best interests of all for Iraq to cooperate fully with the International Committee of the Red Cross in this very important humanitarian matter.

Secondly, while some of the Kuwaiti property seized during the occupation of that country has been returned, it would appear that it has not been returned in full. We therefore urge Iraq to do all it can to expedite the return of all Kuwaiti property.

(Mr. Mumbengegwi, Zimbabwe)

Thirdly, Zimbabwe wishes to express its disquiet at recent reports that pronouncements out of Baghdad have been renewing the claim that Kuwait is Iraq's nineteenth province. We recall the crisis and carnage that followed such claims in August 1990. We would like Iraq to assure us that it fully respects the inviolability of the international boundary between Iraq and Kuwait as determined by the Boundary Demarcation Commission. We also recall Iraq's declaration both to the Security Council and in its own national legislative and executive structures that it has renounced all claims to Kuwaiti territory as called for in resolution 687 (1991). Zimbabwe therefore insists that Iraq abide by these declarations.

Our fourth concern is of a humanitarian nature. The aggression of Iraq against Kuwait and the subsequent war that resulted in the liberation of Kuwait created victims in both countries: the innocent civilian populations. The innocent people of Kuwait and others underwent untold suffering, injuries and deaths as well as material loss as a result of the invasion and occupation of Kuwait. They need to be fairly and justly compensated. The innocent civilian population of Iraq also suffered as a result of the war and the subsequent regime of sanctions. It therefore needs humanitarian relief. It was with these humanitarian considerations in mind that Zimbabwe supported the adoption of resolutions 706 (1991) and 712 (1991).

The fact that these resolutions have continued to remain unimplemented has been a source of disappointment to my delegation. My delegation believes that their implementation would go a long way towards taking care of the many victims of various nationalities, including Kuwaitis, who are still awaiting compensation for their suffering, loss and injury as a result of the hostilities in the Gulf on the one hand, and the alleviation of the humanitarian situation relating to the civilian population of Iraq on the

(Mr. Mumbengegwi, Zimbabwe)

other. It is our hope that agreement will soon be reached to put in place mechanisms that would generate the necessary revenue to meet these humanitarian concerns.

Finally, while my delegation will insist that Iraq meet its obligations called for in Council resolutions, it is also important for the Security Council, while undertaking its reviews, to avoid the temptation to shift the goalposts. Where compliance has occurred, it must be accepted and recognized as having occurred. It is important for the prestige and credibility of the Security Council that the Council remain continuously focused on the legitimate goals and objectives for which the sanctions regime was imposed on behalf of the international community as a whole.

Mr. LADSOUS (France) (interpretation from French): Resolution 687 (1991) and subsequent resolutions imposed clear and precise obligations on the Government of Iraq. My country has invariably stated that once Iraq complies with those resolutions the sanctions regime can be lifted. It did so last March in the presence of the high-level delegation of the Iraqi Government and would like to do so again today.

France is aware of the suffering of the civilian population of Iraq and has constantly sought ways to make it possible to feed that population. With the members of the Security Council, my country has formulated and adopted Security Council resolutions 706 (1991) and 712 (1991), which authorize Iraq to sell a certain amount of its oil and to purchase food and medicine. In a letter dated 13 July 1992 the Minister for Foreign Affairs of Iraq informed the Secretary-General of the decision of his authorities to break off talks on the implementation of those resolutions that had been under way for several months with the Secretariat.

My Government deeply deplores the fact that the Iraqi authorities have taken it upon themselves to assume this grave responsibility with respect to their people, which constitutes repudiation of a mechanism that clearly provides substantial ways for improving the standard of living of the Iraqi civilian population as a whole.

My country, like the Security Council, is basically pursuing two objectives: to eliminate weapons of mass destruction stockpiled by Iraq and to ensure that the Iraqi industrial capacity will not be used to rebuild its military potential once the latter has been destroyed. Those objectives were set forth in resolutions 687 (1991), 707 (1991) and 715 (1991). Iraq is far from having fully complied with those resolutions. A few examples should suffice in that regard.

(Mr. Ladsous, France)

First, Iraq has yet to comply fully with its obligations to provide information that were initially prescribed in resolution 687 (1991) and recalled in resolution 707 (1991). To date, the Special Commission and the International Atomic Energy Agency (IAEA) have been able to work only on the basis of partial information, parsimoniously provided by Iraq, which has had to be supplemented primarily by what the numerous on-site missions were able to discover by themselves. There are still many gray areas. This situation cannot go on. It is time for Iraq to present to us, as it is required to do, a complete picture of the programmes that are being carried on in the field of weapons of mass destruction, whether weapons systems, acquired production facilities or procurment networks.

Let us not forget that it is not up to the Council or the Special Commission to ask Iraq questions that Iraq may choose to answer or not. Indeed, it is up to Iraq to comply at last with its obligations by no longer concealing the required information, by lying to the Special Commission. A cooperative attitude would no doubt make it possible to establish within the Council a climate of confidence, which cannot prevail at the present time.

Allow me to give a second example, still in the field of weapons of mass destruction. We deplore the fact that Iraq has thus far refused to commit itself unconditionally to implement the two plans for ongoing monitoring and verification approved by the Security Council in resolution 715 (1991). Those plans are legally binding, and it is unacceptable that Iraq has yet to commit itself to implement them. Only if they were implemented would it be permissible for Iraq to resume its usual civilian industrial production under effective and objective international control.

(Mr. Ladsous, France)

Regrettably, it would be easy to identify the areas in which Iraq is not respecting the obligations by which it is bound under the relevant Council resolutions. However, I should like at this time to note other aspects of the Iraqi Government's policies and practices that are cause for serious concern.

The blockade imposed by the Iraqi authorities against Kurdistan is causing a truly difficult health and humanitarian situation there, particularly with the onset of winter. It is creating the risk of another exodus of populations towards neighbouring States. Armed operations, in which the Iraqi forces are engaged in the southern marshes, are another illustration of a repressive policy. That policy is depriving major portions of the Iraqi population of their fundamental rights, and is a direct violation of resolution 688 (1991), to whose implementation my country remains deeply committed.

My country is also seriously concerned about the extremely critical human rights situation in Iraq, as highlighted in the reports prepared by the Special Rapporteur, Mr. van der Stoel.

The record presented thus fully demonstrates the scores of violations by the Government of Iraq of its obligations under the terms of Security Council resolutions and the continuation of policies and practices that are cause for serious concern within the international community.

The Government of Iraq often accuses the Security Council of not spelling out clearly enough what is expected of it. In reality the situation is very clear indeed. What do the Security Council and my Government expect of Iraq, over and above the technical details of the resolutions? We expect two very simple things - that the Iraqi Government live in peace with its neighbours, and that it live in peace with its people. First, it must live in peace with

(Mr. Ladsous, France)

its neighbours by accepting frontiers, by forgoing its expansionist designs against a less powerful neighbour, by repudiating clearly the development of weapons of mass destruction. With regard to such weapons, we must make sure that the international community does not let down its guard, lest Iraq retur to its aggressive designs. Secondly, it must live in peace with its people, by seeking a settlement with the Kurds and the Shiites of Iraq and by giving priority to working to ensure the subsistence and well-being of its civilian population.

In those two areas - peace with its neighbours and with its people - the Iraqi Government has not made any progress. It knows, however, that if it were to accede to those two simple demands, it could truly reach its objectiv and bring about the lifting of sanctions.

Mr. HATANO (Japan): Since our meeting in March this year the basic Iraqi position towards the relevant resolutions of the Security Council appears to be unchanged. Although we have heard Iraq's representative assure us of its willingness to cooperate with the Council and implement Council resolutions, the Iraqi Government continues to malign the intentions of the Security Council, the Sanctions Committee, the Special Commission and other bodies whose work is authorized by the Security Council.

Iraq has issued many letters describing the suffering of the Iraqi peopl as a result of the sanctions imposed by the Security Council. Japan is sympathetic towards the Iraqi people, who are innocent victims of their Government's policy, and it supports the humanitarian efforts of the United Nations to ease their suffering. Only the Iraqi leadership can resolve the situation by complying with all the relevant Security Council resolutions.

(Mr. Hatano, Japan)

Iraq has indicated its readiness to implement many of the Council's resolutions, and some progress has indeed been made, but Iraq still refuses to accept resolutions 707 (1991) and 715 (1991), which call for future monitoring by the Special Commission and the International Atomic Energy Agency (IAEA).

On the contrary, Iraq demands the Council to change the terms and provisions of these two important resolutions. As has been stated by previous speakers, Iraq continues to make territorial claims over Kuwait, and is escalating its campaign against the sovereignty of Kuwait. It denounces the decisions of the Boundary Demarcation Commission and refuses to participate in the meetings of the Commission.

(Mr. Hatano, Japan)

The plight of Kuwaiti and third-country nationals who are being held prisoner in Iraq is also of concern to Japan. Although Iraq claims that it has allowed the ICRC free access to all places of detention and prisoners, its cooperation is hardly at the standard expected by the ICRC.

During our meeting last March, I stated that the Iraqi Government does not have the right to interpret the Security Council's resolutions or to choose which provisions it will implement and which ones it will not. I must repeat that Iraq should comply fully with the provisions of all resolutions.

In the past, Iraq sent a signal to the Security Council that it was ready to discuss seriously with the Secretariat the export of Iraqi oil. The Deputy Prime Minister himself indicated a strong interest in this programme at the time of his last visit to the Security Council, but no compromise has been attained. Without an agreement on the export of oil, the Government of Iraq continues to deny its own people access to their basic human needs. On the other hand, United Nations agencies and non-governmental organizations are making efforts to assist the people of Iraq. Japan appreciates the work of these organizations and wishes to express its continued support for their activities.

The Security Council is always open to any United Nations Member State that wishes to present its concerns and grievances, and thus I welcome this opportunity to exchange views with the Deputy Prime Minister, Mr. Tariq Aziz. However, there must be no misunderstanding. The situation will not improve until the Government of Iraq decides to cooperate fully with the Security Council and the United Nations as a whole. Perhaps Iraq has no other option.

Mr. NOTERDAEME (Belgium) (interpretation from French): Faced with the invasion of Kuwait by Iraq in August 1990 and the indisputable threat

(Mr. Noterdaeme, Belgium)

which it constituted to international peace and security, the Security Council, in the name of the entire international community, adopted the necessary measures. Those measures led, almost two years ago now, to the liberation of Kuwait. That country has now embarked on the difficult task of reversing the consequences of a war and of an occupation that were as brief as they were destructive. In this still very difficult stage of reconstruction, Kuwait, however, does not even have the satisfaction of seeing Iraq comply with its obligations to it under the relevant resolutions of the Security Council.

The United Nations compensation Commission, set up under resolution 692 (1991), although it has already done excellent work, is still not in a position to provide for the compensation of all victims, Kuwaiti and foreign, of this war, in view of the continuing refusal by Iraq to comply with resolution 706 (1991) and 712 (1991). The repatriation of Kuwaiti detainees has not yet been completed, and the restitution by Iraq of Kuwaiti property is being carried out in a far from convincing manner.

Finally, the work of the Iraq-Kuwait Boundary Demarcation Commission does not enjoy the effective support of Iraq, which cannot but create deep concern both in Kuwait and in the international community. In that respect, my delegation deplores the absence of an unequivocal repudiation by Iraq of all its previous claims on Kuwait.

Mr. President, I do not wish here to repeat all the Iraqi violations of its obligations under resolution 687 (1991) and of subsequent resolutions of the Council. This lengthy litany has just been the subject of your preliminary introduction, and my country fully subscribes to it. However, I should like to emphasize that Kuwait's desire to continue to enjoy our vigilance is completely justified.

(Mr. Noterdaeme, Belgium)

We must take advantage of the presence here in New York of the Deputy Prime Minister of Iraq to remind him also of our concerns regarding the unacceptable treatment of the Iraqi population. Indeed, the Iraqi refusal to implement resolutions 706 (1991) and 712 (1991) aggravates a domestic situation that is difficult in all areas and even tragic for certain segments of Iraqi society.

In that connection, the various reports of the Special Rapporteur of the Commission on Human Rights, Mr. Max van der Stoel, seem to me to be quite compelling.

The decisions presented by the Iraqi authorities as gestures of good will were certainly noted by the Belgian Government. These reactions, however, have been countered by other measures or statements that indicate to us that the regime in Baghdad still refuses to accept some of the essential provisions adopted by the Security Council following the invasion of Kuwait.

We hope that today's debate will make it possible to expedite the implementation by Iraq of the relevant decisions of the Security Council within the framework of a dialogue that is free of ambiguity.

Mr. HOHENFELLNER (Austria): When the Security Council voted last year on resolution 687 (1991) and related subsequent resolutions, it had in mind not only the termination of the actual armed confrontation. The aspirations of the Council were much more far-reaching. They were aimed at the creation and - if possible - the maintenance of an enduring peace and stable security in the immediate area and the whole region.

One and a half years have elapsed since the adoption of resolution 687 (1991). Holding today's meeting in the Security Council provides a very

(Mr. Hohenfellner, Austria)

good opportunity to take stock of and to evaluate what has been achieved so far and what still needs to be done. We therefore welcome today's session and look forward to hearing the accounts of all speakers on the list, including the delegations of Iraq and of Kuwait.

Mr. President, regarding the actual status of compliance with the relevant resolutions, you have given a comprehensive, specific and elaborate overview. Therefore, I do not want to go into the details of what Iraq has done and what it has failed to do. I simply want to highlight some points that are of great importance and concern to my delegation.

As regards the question of borders, we regret that Iraq did not participate in the July and October sessions of the Boundary Demarcation Commission. Stressing the importance of the Council's presidential statement of 17 June 1992 and of resolution 773 (1992), we call upon Iraq to be cooperative in this regard and henceforth to participate in the Commission's important work.

(Mr. Hohenfellner, Austria)

On weapons-related questions, under part C of resolution 687 (1991), and resolutions 707 (1991) and 715 (1991), we will listen attentively to the statements of Executive Chairman Ekeus and Director General Blix. Bearing in mind their recent reports, we acknowledge with great relief that important progress has been made and that the Iraqi attitude has turned towards a more cooperative approach. On the other hand, we note with regret that Iraq has not yet done everything which it is obliged to do. We therefore urge Iraq to be more forthcoming and to fulfil its obligations under section C of resolution 687 (1991) and under resolutions 707 (1991) and 715 (1991). We are particularly distressed by reports about acts of harassment and attempted violence against members of the inspection teams, and on continuing incidents endangering their safety and security. We cannot but condemn these acts against people fulfilling a mandate with which the Security Council has entrusted them. We expect the Iraqi authorities to do everything possible to ensure that those acts of harassment and threat are immediately brought to an end and are not repeated.

We consider it deplorable that so many Kuwaiti and third-country nationals have not yet been repatriated. We are extremely concerned that the International Committee of the Red Cross (ICRC) has not yet received all the information it is entitled to receive about these detainees, and that it has not been granted access to all the installations where they are being held. My country has always regarded humanitarian questions as priority issues. Hence let me stress that my country expects that all the provisions of international humanitarian law will be implemented fully and without delay, that the ICRC will be allowed to fulfil its humanitarian mandate comprehensively and without hindrance, and that the repatriation of all

(Mr. Hohenfellner, Austria)

foreign nationals held in Iraq will be completed swiftly. We urge Iraq to step up its cooperation with the ICRC to that end.

Speaking about humanitarian and human rights concerns, we are very much worried that the Iraqi Government has not ended its internal blockade of some areas of the country, in particular the Kurdish-inhabited north, as well as the southern marshes. We regret that there is still lack of full Iraqi compliance with the provisions of resolution 688 (1991). We urge Iraq to cease immediately its measures of blockade and to allow for the free and unhindered flow of food, medicines, fuel and other essential items to the areas mentioned. I do not want to dwell further on this subject, since Mr. van der Stoel and Under-Secretary-General Eliasson will no doubt provide us with further highly interesting, and - I am afraid - worrying, information on the humanitarian and human rights situation in the various parts of Iraq.

My delegation notes with deep relief that the Memorandum of Understanding between the United Nations and Iraq was signed on 22 October 1992. It contains a number of provisions which we regard as absolutely essential for the work of Mr. Eliasson's Department and the agencies and organizations involved in the operations to help the distressed civilian population, in particular in the Kurdish area. My delegation fully concurs with the Secretary-General's statement in his letter dated 30 October 1992 that:

(spoke in French)

"The agreement reached does not fully meet our aspirations. Nevertheless, I consider that in the circumstances, and given the urgent need to supply humanitarian assistance to the affected populations in the north and south it should be signed and implemented without further delay."

(Mr. Hohenfellner, Austria)

(spoke in English)

We therefore hope for the quick, smooth and unhindered implementation of all the relevant programmes, in particular the winter programme for the Kurds, and we urge Iraq to cooperate fully.

The mechanism set forth by resolutions 706 (1991) and 712 (1991) gives Iraq the possibility for oil sales in order to finance, inter alia, the purchase of humanitarian items required by the Iraqi civilian population. The relevant technical talks between the United Nations Secretariat and Iraq, promising as they were initially, have not yet achieved concrete results. Iraq has so far not made use of the scheme provided for in those resolutions. We regret this fact, since the utilization of the so-called oil-for-food procedure would undoubtedly be in Iraq's own interest.

Holding the position of Chairman of the "661 Committee", the so-called Sanctions Committee, I do not - for obvious reasons - want to dwell on the question of sanctions on Iraq. Let me just, in a wider and more general context, repeat what I have already told the Council on a different occasion: sanctions are never a goal in themselves. They are not punishment; they are introduced in order to make a certain member of the international community comply with its obligations. It is therefore evident that sanctions will have to be lifted once full implementation of its obligations by the country concerned has been achieved.

At the beginning of my statement I said that resolution 687 (1991) and the other resolutions on Iraq were part of a wider endeavour to establish lasting peace and stable security in the region. This aim has not yet been achieved. We still have a long way to go. But my delegation is convinced that we are now on the right track, which should be pursued vigorously.

The meeting was suspended at 1.05 p.m.